7

App. F IX-4

Previous References

192 S. (mC)

File No. 74-28

Serial Nos. 476

Later References

Ind 76-28(No 11)
76-25 Sc 13

General and Revenue Secretariat.

Serial Nos. 2

Part B for September 1929

SUBJECT

Construction of a Storm water drain through the Kunigal Stud Farm at a cost of Rs 29, 642/-

6 2

The Deputy Comr Tumkur
No L 1481 Dy 27 8-29
States that the cost of the construction of the Storm water drain refd. to in St 4 over and above the Govt grant that may be allotted by him to the mC C has to be met by the mC-C

Encl
25/9/29

(Gen 57

L 2929

App F III—2]

General and Revenue Secretariat

Govt File No. 74 of 1928

Serial No.	
4	Letter no Ag-1570/28-29 dated 21/1/29 from the Dycommr Guntur District forwarding for orders the correspondence regarding the construction of a storm water drain through the Govt Seed Farm at a cost of Rs 29642/-
	1) The necessity for the construction of the drain has been explained in para 2 of D. The Dycommr states that as the obstruction has been caused by the Farm authorities the entire cost should be properly borne by the Farm.
	The Seed section of this Govt may be requested to put up the necessary papers on the subject with a note on the points
	The Govt have since resolved to bear 1/3 of the cost and request that the balance may be borne by Govt
	Submitted for orders
	2) The balance of expenditure has to be met perhaps by the Public Department who has got the Control of the Seed farm and this may perhaps be decided as also the question of the Govt branch
	Asst Secretary 28/1/29
	3) Yes. Please consult Public Section
	29/1/29

OFFICE OF THE ... SECRETARIAT ... DIVISION
18 JAN 1929

NOTE—Conts. sheet

WD 021—GPB 30,000—21-8-24

28/1/29

29/1/29

Serial No.

4) The proposals of the Dy Comr Shimoga to construct a drain for the escape of the drainage and storm water from Kumigal Town. The drain has to pass through the Kumigal Stud Farm for reasons explained by the Executive Engineer. If the drain is left as an open one, it will cause be a source of nuisance to the Farm. To avoid this nuisance, the Executive Engr has proposed the construction of an armoured concrete drain through the Farm at a cost of Rs 29,642/- If there were no Farm standing in the way of the drain, it would have been an open drain costing much less than the concrete and proposed drain is reinforced concrete pipes. The annual capital and Maintenance Rate on account of this piece of extra expenditure the Civil Dept 12-5 Farm should bear is one-thirds of the total - for the Ag Commissioner thinks reasonable that the H.S.T.

Notes—Contin. about

Serial No.

I should say the difference in cost between the Plan & the Amended drain is — The Chief Engineer may perhaps be asked to furnish information as to what this difference would be — The Chief Comdt also may be consulted as to the liability of the K S Forces to bear any portion of the cost of the Amended drain — .

H.S. 31/1 — 5) The Chief Commandant will, if approved, be consulted unofficially on the subject

Genl Secy)

Allright
6/2/29

6/2/29

7 Forwarded, with compliments, to the Chief Commandant, Mysore State Troops, for favour of remarks

6/2/29 — For Genl Secy to Govt

8) Returned to General Secretary with compliments.

2. The Kunigal Town Municipal Council have no right to trespass on the Farm Lands & take the storm water Drain through it It is ridiculous to ask the Military Department to bear the cost of the drain, whether Open or Closed.

Note—Contn. sheet

WD Gen.—GPB—30,000—21-8-..

Serial No

3 The Farm has owned the lands for many years and cannot pay for the town's benefits

4 I do not understand why the drainage cannot be effected by a concrete pipe via the deep channel to the North of the town which drains from Doddahere

Bangalore
9 February 1929

Lt Col
Chief Commandant,
Mysore State Troops

C.D.

d S & Branch)

4) Secy 12/2/29

4) The Chief Commandant states that it is undertaken to ask the military Depot to bear the cost of the drain

11) Submitted for orders with reference to Para 3 supra

21 - 29

4) The Chief may consider the suggestion of the Chief Commandant in para 4 of his Memo Note

2nd Member) 28/21/2

4 Forest consult Ch Engr whether the feasible estimate factory

CSM 17/2

15 FEB. 1929

NOTE—Contn sheet

App F III—3]

General and Revenue Secretariat | File No. | of 192

Serial No.

1573 Pers D
1713
2c 0 2c 100
7/13-3-29

The Institution may be despatched direct to the Chief Commandant Mysore or Madras Sanitary Engineer as may be necessary
W 1873

Ro 112 dy 25.3.29

2c. O. 112 dy 2.4.29
1873

To the Chief Commandant Mysore
for favour of opinion
by order
18/3/29

15) Returned, with compliments, to the General Secretary to Government-

2 The proposal of the Chief Commandant to - - - effect the drainage by a concrete pipe via the deep channel to the north of the town which drains from Doddakere is impracticable, as the physical features of the place do not permit of this The proposal of the Executive Engineer, Sanitary and Town - - - - Planning Division to take the storm water through - the Stud Farm by means of a concrete pipe seems to - be the only way of disposal of the storm water-

29/3/29
CHIEF ENGINEER OF MYSORE

T R S

16) Secnt Assembly
30/4/29

17) Consult Lawyer as to whether, if the parties had been private persons, the Sewage Municipal Farm would have been liable to bear a portion of the expenditure or could object to the drain being constructed through it property.

8422
30/4

Note—Contd sheet

WD 021—GPB—30,000—21.8.28.

Serial No.

(5) Forwarded with compliments

Rk

1.5.19

Law Secy/

(6) On the principle of self-protection and owners of land is legally entitled to prevent the entrance of flood-waters into his land, even though the necessary consequence is to cast that water upon the land of one's neighbours And he is not bound to receive flood water upon his land, he may embank his land against floods, regardless of the effect upon adjoining lands

Thus, an owner of land, situate on the sea coast, is entitled to protect his land from the incursions of the sea by building a sea wall, and if the effect of his so doing is to cause the sea to flow with greater violence against the land of the adjoining owners & do damage he will not be responsible Similarly, in the case of inland waters, a landowner may lawfully erect a bank to protect his land from inundation by an extraordinary flood.

vide Pollock on Torts p. 179
Clerk & Lindsell " p 144
Salmond " p. 353

(7) Hence, the Kunjab Stud farm was justified in having prevented the storm water from entering the farm land.

Note—Contn. sheet

2920 L

8423/29

General and Revenue Secretariat

File No. 74

App. F III—21

of 192 8

Serial No.

If the Municipality wants to construct protective drainage works, it is for the latter to bear the cost. Nor has the Municipality any legal right to take the proposed drains through the Stud farms without the consent of the farm authorities. But as the proposal is to construct covered drains, the farm authorities can have no objection to permit the drains to be taken through the farm lands.

P—m, 13/8

Mr 13/8

Opn: Secy with compo

Sd) The cost of the scheme is Rs 29642 and this is recommended by the Chief Engr. The farm cannot be made liable for any portion of the cost as per Law Secy's opinion. The entire cost has to be met by the Municipality beyond what the Dep.t can may allot to the Municipality out of the amount placed at his disposal for town improvements.

Sd

14/8

Second member

Sd) I agree. Please return the draft of the reply &c

CSK

14/8

Mr 14/8

OFFICE OF THE SECRETARY TO GOVERNMENT
13 AUG. 1929
No. 45-ab

Note—Contn Sheet

WD 01634—GPH—30,000—27-1-29

General and Revenue Secretariat | File No. 74 of 1928

Serial No.	
	24 Submitted with a draft for consideration (Ref Para 23 supra) 17.8.29
	25 Please type the draft & put up early 21/8
	26 Typed draft put up as directed in para 25 supra (Sundays) 25/8
	Second Member 29/8
	6 To The D C Tiruchirapalli — No. L. 11481 of 25/8/29 State that the cost of the construction of the storm water drains referred to in Cl 4, over and above the Govt Grant that may be allotted by them to this Mc council has to be met by the Mc Ch.

OFFICE OF THE GOVERNMENT [illegible] MADRAS
20 AUG. 1929
No. 1524

GEN. & REV. SECT.
30 SEP. 1929
L. & G. BRANCH

WD 61501—GPS—70,000—29-6-29

D C. 7377

RD- A3- 1570- 28-9

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT

Dated, Tumkur, 2nd January 1929

FROM

M.N Balaraj Urs, Esquire, B A ,
Deputy Commissioner, Tumkur District,
Tumkur

L2920

MC74-98-4

To

R Ranga Rao, Esquire, B.A , B.L ,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore

Sir,

In forwarding, herewith, letter No. 45 dated the 5th instant from the President, Kunigal town Municipal Council, in the matter of constructing a storm water drain through the Kunigal Stud Farm at a cost of Rs 29,642/-, I have the honor to state as follows -

2) The natural outlet for the escape of the drainage and storm water from that part of Kunigal town which lies to the north of the Farm has been blocked by the Stud Farm authorities years ago. The result has been that this part of the town gets under water when there is heavy rain. Again, an unsightly collection of water takes - place by the side of the main road and opposite to the lodge used by His Highness the Maharaja and other distinguished visitors to the town In 1925 during heavy rains houses on the north of the Stud Farm were flooded and great damage was caused to them. The abatement of this nuisance has been the subject of numerous representations - made to the authorities by the Municipality from time to time. The Executive Engineer, Sanitary and Town Planning Division, who inspected the place at my request has suggested the construction of an armoured concrete drain through the Stud Farm at a cost of - - Rs. 29,642/- for the draining of the storm water of the town. Extracts of paras 1,2,3 and 4 of his letter No 22 dated 17-8-1927 explaining the necessity therefor are enclosed for perusal. As I have already said in my letter No A.7- 434/27-28 dated 7-5-1928, the entire cost of the work should properly be paid by the Farm as the construction

obstruction has been caused by the Stud Farm authorities. At first the Municipal Council pleaded inability to bear any portion of the cost, but when the matter was further discussed with the council, they have now, however, - - resolved to bear $\frac{1}{3}$ of the cost and pray that the balance may be borne by the Government. A copy of the resolution of the Municipal Council is forwarded herewith

In the circumstances explained above, I recommend that the proposal of the Municipal Council may be favourably considered.

As regards the acquisition of the properties - referred to in your letter No G 1550/M1.67-28- 2 dated 6th August 1928,, I have to state that the Amildar, Kunigal, has been asked to submit preliminary notifications and that the same will be sent soon after receipt.

I have the honor to be,

sir,

Your most obedient servant,

By A. S. Bardsley Esq
Deputy Commissioner,
Tumkur District
2/11/29

AD 2/1

Extracts from the letter No 222 dated 17/19th August 1929, from the Executive Engineer Sanitary and Town Planning Dvn Bangalore, to the Deputy Commissioner, Tumkur District

--00--

x x x x

1. The towns-people in this matter has a real grievance as the only natural way for the escape of drainage and storm water is blocked up by the Stud Farm years ago. On the other side the Stud Farm authorities also have some reasonable grounds in not allowing the storm water flow through their Farm on the open - surface of the paddocks These grounds are first infection-- carried through germs brought in by the washings of the town - through storm water and lodged on the grounds of the farm and second, inconvenience through an open earthen drain passing - through various paddocks

2 Unfortunately the Stud Farm is situated in the lowest basin of the town and is the natural valley for the flow of the storm water as is determined by taking levels The storm-water vents on the north side i e on Bangalore- Kunigal road were - blocked up - I was told some 15 years ago and those on the west side in 1921 by the Stud Farm authorities Since then, there is always stagnation of sewage and storm water at these ends causing a great nuisance through decomposing sewage and consequent obnoxious smells through it Some 2 years ago during heavy rains, houses on the north of the Stud Farm were flooded and great damage was caused to them The Municipality seems to be constantly urging the authorities to redress their grievance in this matter

3) As a relief measure, it was suggested to divert the drainage into Doddakere But this is not feasible as leavels do not permit The level of the town being 173.22 and that of waste-weir of Doddakere 174 03 Hence, if the storm-water drain is linked on to Doddakere wa will back up and flood the town during heavy rains when the tank is full The Municipal authorities already tried to divert the drainage to the meat behind the tank bund but were not successful as the - levels did not permit

4 It will be thus seen that it is not possible to divert the drainage in any direction but the natural valley which is through the Stud Farm As it is objectionable to take the drainage through open drain in the Stud Farm area, it is proposed to take it by means of an underground covered drain - the cheapest of which is a reinforced concrete circular pipe This pipe will drain all the storm-water from the north and a small portion from the west of the town

x x x x

" C O P Y "

Deputy Commissioner,
Tumkur District

AD 2/1

No 65

OFFICE OF THE PRESIDENT,
Town Municipal Council,
KUNIGAL

Dated... 5th Dec: 1925

From

The President,
Town Municipal Council,
KUNIGAL

To

The Deputy Commissioner,
Trincomalee District
Trincomalee

Qq. 5937/25
M 29.8.1925
C. 1570/7/1925

SIR,

I am enclosing herewith copy of Municipal Council's Resolution No 11 dated 30th Nov: regarding the armoured concrete drain to be led through the Stud Farm Costing Rs 29,642, I beg to state that a drainage scheme is an immediate necessity for the Town and as such very early steps have to be taken for the execution of this work. Considering the financial circumstances, the Council pleads its inability to bear the entire cost of the scheme without the help of Govt. Moreover the suggestion of the Sanitary Engineer to lead the drain in reinforced Concrete pipes is due to the fact that the Stud Farm has come in.

Photo of a
Telegram
A 3.
No 12
7.12.25

way and consequently the scheme has become more costly

The Council is desirous of completing the work in three years and is not in a position to pay more than one-third of the cost

In view of the financial difficulties I request that recommendation may kindly be made to Govt for sanctioning the estimate and helping the Municipality with two-thirds of the cost as prayed for

I have the honour to be,
Sir,
Your most obedient servant

[illegible]
President
5/12/28

Meeting No [illegible] Dated 30-11-28

11 [illegible]

Sd S Abdul Khader
President

EXTRACT

Abdul Khader
President
5/12/28

(6

To

The Deputy Commissioner,

Tumkur District

S i r

i th reference to your letter o A3 1570/28-29 dated the 2nd January 1929 forwarding for orders the correspondence regarding the construction of a storm water drain through the Kunigal Stud Farm at a cost of Rs 29 64 /- and stating that the entire cost should properly be paid by the Farm Authorities as the obstruction has been caused by the ~~Stud~~ Farm ~~authorities~~ and that the Municipal Council have since resolved to bear 1 3 of the cost and requesting that the balance may be borne by Government I am directed to state that as it is the duty of the Municipal Council to construct ~~or~~ protective drainage works ~~they have to~~ first Consider whether it has to be done by the Municipality ~~bear~~ the cost From a legal point of view the Municipal Council cannot take their drains through the Stud Farm without the consent of the Farm authorities and the Farm authorities cannot, therefore, be made liable for any portion of the cost of the works undertaken without their consent The cost on this account over and above the Government grant that may be allotted by you to this Municipal Council for this purpose out of the amount that ~~may be~~ placed at your disposal for town improvements has

has to be borne by the Municipal Council

I have etc ,

DRAFT)

Genl Secry to Govt

Copy to G M Branch (Mily Sec)